LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT

Notification No. LAW 5 LCR. 76

Bangalore, dated 15th March 1976.

Ordered that the G. S. R. 2543 Medical Termination of Pregnancy Rules, 1975 (Revised) published in Part II, Section 3 sub-section (i) of the Gazette of India dated 18th October 1975 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka,

B. NAGESHA RAO,
Under Secretary to Government,
69 *Department of Law and Parliamentary Affairs.*

No. LAW 5 LCR. 76.

GOVERNMENT OF INDIA

MINISTRY OF HEALTH AND FAMILY PLANNING
(Department of Family Planning)

New Delhi, dated 10th October 1975.

G. S. R. 2543.—In exercise of the powers conferred by Section 6 of the Medical Termination of Pregnancy Act, 1971 (34 of 1971), the Central Government hereby makes the following rules namely:—

1. **Short title and commencement**.—(1) These rules may be called the Medical Termination of Pregnancy Rules, 1975

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definetions**.— In these rules, unless the context otherwise requires,

(a) "Act" means the Medical Termination of Pregnancy Act, 1971 (34 of 1971);

(b) "Chief Medical Officer of the District" means the Chief Medical Officer of a District, by whatever name called;

(c) "Form" means a form appended to these rules;

(d) "Owner" in relation to a place, means any person who is the administrative head or otherwise responsible for the working or maintenance of such hospital or clinic, by whatever name called;

(e) "Place" means such building, tent, vehicle or vessel, or part thereof, as is used for the establishment or maintenance therein of a hospital or clinic which is used, or intended to be used, for the termination of any pregnancy ;

(f) "Section" means a section of the Act-

(3) **Experience or training etc.**—For the purpose of clause (d) of Section 2, a registered medical practitioner shall have one or more of the following experience or training in gynaecology and obstetrics, namely ;

(a) In the case of a medical practitioner who was registered in a State Medical Register immediately before the commencement of the Act, experience in the practice of gynaecology and obstetrics for a period of not less than three years;

(b) in the case of a medicale prctitioner who was registered in a State Medical Register on er after the date of the commencement of the Act,—

(i) if he has completed six months of house surgency in gynaecology and obstetrics ; or

(ii) unless the following facilities are provided therein, if he had exprience at any hospital for a period of not less than one year in the practies of obstetrics and gynaecology ; or

(iii) if he has assisted a registered medical practitioner in the performance of twenty five cases of medical termination of pergnancy in a hospital established or maintained. a training institute approved for thispurpose, by the Government.

(c) in the case of a medical practitioner who has been registerd in a State Medical Register and who holds a post-graduate degree or diploma in gynaecology and obstetrics, the experience or training gained during the course of such degree or diploma.

4. Approval of a place.—

(1) No place shall be approved under clause (b) of section-4,—

(i) unless the Goverament is satisfied that termination of pregnancies may be done therein under safe and hygienic conditions ; and

(ii) unless the following facilities are provided therein, namely:

(a) An operation table and instruments for per forming abdominal or gynaecological surgery ;

(b) anaestheic equipment, resuscitation equipment and sterilisation equipment ;

(c) drugs and parenteral fiuids for emergency use.

(2) Every application for the approval of a place shall be in a **Form A** and shall be addressed to the Chief Medical Officer of the District

(3) On receipt of application referred to in sub-rule (2), the Chief Medical Officer of the District shall verify or enquire any information

contained in any such application or inspect any such place with a view to satisfying himself that the facilities referred to in sub-rule (1) are provided therein and that termination of pregnancies may be made therein under safe and hygienic conditions.

(4) Every owner of the place which is inspected by the Chief Medical Officer of the District shall afford all reasonable facilities for the inspection of the place.

(5) The Chief Medical Officer of the District may, if he is satisfied after such verification, enquiry or inspection, as may be considered necessary that termination of pregnancies may be done under safe and hygienic conditions, at the place, recommend the approval of such place to the Government.

(6) The Government may after considering the application and the recommendations of the Cheief Medical Officer of the Disttict approve such place and issue a certificate of approval in Form B.

(7) The certificate of approval issued by the Government shall be conspicuously displayed at the place to be easily visible to persons visiting the place.

5. Inspection of a place (1) A place approved under rule 4 may be inspected by the Chief Medical Officer of the District, as often as may be necessary with a view to verify whether termination of pragnancies is being done therein under safe and hygienic conditions.

(2) If the Chief Medical Officer has reason to believe that there has been death of, or injury to, a pregnant woman at the place or that termination of pregnancies is not being done at the place under safe and hygienic conditions. he may call for any information or may seize any article, medicine, ampule, admission register or other document, maintained, kept or found at the place.

(3) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), relating to seizure shall, so far as may be apply to seizure made under sub-rule (2),

6. Cancellation or suspension of cerificate of approval.—

(1) If. after inspection of any place approved under rule 4, the Chief Medical Officer of the District is satisfied that the facilities specified in rule 4 are not being properly maintained therein and the termination of pregancy at such place cannot be made under safe and hygienic conditions, he shall make a report of the fact to the Government giving the detail of the deficiencies or defects found at the place On receipt of such report the Government may, after giving the owner of the place a reasons able opportunity of being heard. either cancel the certificate of approval or suspend the same for such period as it may think fit.

(2) Where a certificate issued under rule 4 is cancelled or suspended, the owner of the place may make such additions or improvements in the place as he may think fit and thereafter, he may make an application to the Government for the issue to him of a fresh

certificate of approval under rule 4 or, as the case may be, for the revival of the certificate which was suspended under sub-rule (1).

(3) The provisions of rule 4 shall, as far as may, apply to an application for the issue of a fresh certificate of approval in relation to a place, or as the case may be for the revival of a suspended cerificate as they apply to an application for the issue of a ceritificate of approval under that rule.

(4) In the event of suspension of a certificate, of approval, the place shall not be deemed to be an approved place for the purposes of termination of pregnancy from the date of communication of the order of such suspensi n.

7. Review :

(1) The owner of a place who is aggrieved by an order made under rule 6, may, make an application for review of the order to the Government within a period of sixty days from the date of such order.

(2) The Government may, after giving the owner an oportunity of being heard, confirm, modify or reverse the order.

8. **Form of consent.**—The consent referred to in sub-section (4) of Section 3 shall be given in Form C.

9. **Repeal and saving** —The Medical Termination of Pregnancy Rules, 1972, are hereby repealed except as respects things done or omitted to be done before such repeal.

FORM A

(*See* sub-rule (2) of rule 4)

Form of application for the approval of a place under clause (b) of Section 4.

1. Name of the place (in capital letters)
2. Address in full.
3. Non-Government/Private//Nursing Home/Other Institutions*.
4. State' if the following facilities are available at the place.
   (i) An operation table and instruments for performing abdominal or gynaecological surgery.
   (ii) Drugs and parenteral fluid in sufficient supply for emergency cases.
   (iii) Anesthetic equipment, resuscitation equipment and sterilisation equipment,

Place :

Date :

Signature of the owner
of the place

* Strike out whichever is not applicable,

FORM B

[*See* sub-rule (6) of rule 4]

Certificate of approval.

The place described below is hereby approved for the purpose of the Medical Termination of Pregnancy Act, 1971 (34 of 1971).

Name of the Place
Address and other descriptions
Name of the owner
Place :
Date

to the Government of the.....

FORM C

(*See* rule 8)

I.....daughter/wife of.....
.....aged about.....year of
.....

(here state the permanent address)

at present residing at.....do hereby give my consent to the termination of my pregnancy at.....

(State the name of place where the pregnancy is to be terminated)

Place :
Date :

Signature

(To be filled in by guardian where the woman is a lunatic or minor).

I.....son/daughter/wife of .....
.....aged about.....years of.....
.....at present residing at.....

(Permanent address)

.....do hereby give my consent to the termination of the pregnancy of my ward..... .....
who is a minor/lunatic at.....

(place of termination of pregnancy)

Signature

Place :
Date :

[No. 4-6(i)/75-MTP&OP]

SERLA GREWAL, Jt. Secy.